

Increasing cloudiness to night; tomorrow snow or rain; rising temperature.

# The Washington Times

THE PAPER THAT GOES TO THE HOME WITH THE HOME GOERS

NUMBER 5841.

WASHINGTON, FRIDAY EVENING, DECEMBER 16, 1904—FOURTEEN PAGES.

PRICE ONE CENT.

## SHEPARD CHOSEN AS CHIEF JUSTICE OF APPEAL BENCH

Present Associate to Fill Richard H. Alvey's Place.

## C. H. DUELL FOR VACANCY

Former Commissioner of Patents Is Named as His Successor.

The President today sent to the Senate the nomination of Seth Shepard, now associate justice of the Court of Appeals, as chief justice of that tribunal to succeed Chief Justice Richard H. Alvey, and C. H. Duell, of New York, former Commissioner of Patents, to the vacancy created by the promotion of Justice Shepard.

The announcement of the appointment of Mr. Duell came in the nature of a surprise to the members of the Washington bar, who had hoped that a District man would be named. Much gratification is, however, expressed by lawyers at the promotion of Justice Shepard.

## JUSTICE SHEPARD LEGAL AUTHORITY

Justice Seth Shepard was appointed to the position from which he has been promoted May 1, 1892. He was born in Washington county, Tex., April 23, 1847, and received his education in private schools, the Texas Military Institute, and Washington and Lee University, at Lexington, Va.

At the outbreak of the civil war he entered the service of the Confederacy, going to the front with the Fifth Texas Cavalry. At the close of hostilities he took up the study of law and practiced that profession in various sections of the State.

## SKETCH OF NEW ASSOCIATE JUDGE

Charles Holland Duell, who succeeds to the associate judgeship made vacant by the promotion of Associate Justice Shepard, is fifty-four years of age, and a native of Cortland, N. Y., where he was born, April 12, 1850. He comes of good old stock, Major Benjamin Leary, his great-grandfather, having been a prominent figure in Revolutionary history.

Justice Duell received his early education at Cortland and Acadia, and later attended Hamilton College, being graduated from the latter institution in 1871. He at once took up the study of law, to which he devoted himself so diligently that he was admitted to practice in his native State in 1874. In the autumn of that year he entered the law office of the Hon. Elihu Root, in New York city. After spending a year with Mr. Root, he became a member of the firm of Tompkins & Duell.

Active in 1874 Campaign. Always keenly interested in politics, Judge Duell took an active part in the national campaign of 1872, earnestly supporting Grant and Wilson. He became identified with the local Republican organization in New York city, serving as secretary to the county committee and going as delegate to State and local conventions.

In 1878 he was elected to the Assembly from the Thirtieth district, and re-elected again in 1880. At the close of his term he resumed the practice of law in Syracuse, devoting a great deal of time to patent law.

## RESUMED LAW PRACTICE

In 1890 Judge Duell resigned and established the firm of Duell, McGrath & Warfield, in New York city, where he has since been practicing. Judge Duell married, November 2, 1879, Miss Harriett M. Sackett, daughter of William A. Sackett, of Saratoga Springs. He has four children, Holland S., William Sackett, Mary L., and Charles H., Jr.

## THE WEATHER REPORT.

There has been snow in the Missouri Valley, the northern Rocky Mountain region, and from North Carolina to southern New England. The Missouri Valley depression will give rain during the next thirty-six hours in the lower Mississippi Valley and the east Gulf States, and snow or rain in the Ohio Valley. There will be snow Saturday in the lower lake region and the Middle Atlantic States, and rain in the South Atlantic States.

## TEMPERATURE.

9 a. m. 32°  
12 noon 32°  
1 p. m. 32°

## DOWN-TOWN.

Registered Allen's Standard Thermometer:  
9 a. m. 32°  
12 noon 32°  
1 p. m. 32°

## TEMPERATURE.

Sun sets today 4:29 p. m.  
Sun rises tomorrow 7:11 a. m.

## TIDE TABLE.

High tide today 3:02 p. m.  
Low tide today 9:49 a. m.  
High tide tomorrow 3:17 a. m.  
Low tide tomorrow 9:56 a. m.

## MORMON PLEDGES WORRIED WOMAN INTO APOSTASY

Former Latter-Day Saint Tells Her Share in Ceremonies.

## POLITICS IN UTAH

Neither Democrat Nor Republican Can Succeed Without Church.

The most direct and comprehensive testimony yet given before the Senate Committee on Privileges and Elections in relation to the exercise of the temporal power by the Mormon Church was today put into the record of the Smoot investigation by Charles F. Jackson, of Boise City, Idaho, State chairman of the Democratic party in Idaho in the last campaign and actively identified with each campaign there since 1901.

Witness is a New Yorker by birth, and had gone to Idaho twenty-five years ago. He is about forty years of age and engaged in insurance at Boise and ranching at Orchard, Idaho, about twelve miles distant. Well groomed and businesslike on the stand, the witness gave a recital of political conditions, as affected by Mormon influence, such as no previous witness has given.

## Mormons Dominate Politics.

Jackson was examined as to political conditions in that State, as affected by the Mormons. He declared that whatever the Mormon Church wanted in Idaho was carried out, and that it would be impossible for either a Democrat or a Republican to win any point if it were opposed by the church.

Not a Mormon voted the Democratic ticket in the last election. The whole influence of the church was thrown against the Democratic party and its leaders.

Before witness had concluded his statement the committee adjourned until tomorrow morning.

## About the Union Suits.

The only other witness of the day was Mrs. Annie Elliott, of Price, Utah, a Danish woman, who had been a Mormon for many years, has gone through the Endowment House, and made the endowment garments for Mormons and asserted that every good Mormon wore these "union suits" all the time.

"Do you mean every Mormon in this room?" Inquired Senator Overman, glancing around at Senator Smoot, Representative Howell of Utah, and the various Mormon witnesses present.

"Yes," replied the witness. "They all wear them, always."

## Woman's Testimony.

Mrs. Elliott, the first witness, testified that she lives in Price, Utah. She was born in Denmark in 1832, and came to this country in 1852, having been converted there. She had been married in Denmark, but came to this country without her husband. A year and a half later he followed and they lived in Utah until he died in 1897. She remarried in 1899.

Witness had worked as a cook for the family of Joseph Jensen, counsel to President Lorenzo Snow, and connected with the Endowment House, and of having taken the endowment twice afterward in Salt Lake City, in 1895 and 1897, in behalf of some dead friends. Both baptism and marriage ceremonies were gone through by her. Witness had gone to Salt Lake City, in 1897, and at the same time had had a blessing pronounced on her.

## Told of Obligations.

After describing incidents of her professional work, witness told of the blessing pronounced by Apostle Lyman Cummings, her husband, for living and dead Mormons, which were worn by the former in going through the endowment house.

On going through the endowment house in 1895, witness was "sealed" to her husband for time and eternity. Twenty years later she took the endowment again in the temple in Salt Lake in behalf of a dead woman married for eternity to a man still living. Each ceremony was alike, in the presence of many people, and lasted three or four hours.

Witness then told of the obligations imposed. She repeated first the solemn "vowings," and then repeated the other obligations and the penalties prescribed for their violation.

"I thought at that time it was too serious," witness said, "and since then I have wanted to get it away." This was in explanation of a desire she expressed not to tell the details of the dreadful oath. In 1895 there had been about 575 present, and in 1897 about 290. She also told of the obligation entered into by all to give everything to the Mormon Church if called on to do so by the authorities.

In answer to a question by Mr. DuBois, witness said all good Mormons take these oaths, and also revealed the obligation of obedience to the Mormon priesthood.

On cross-examination Mrs. Elliott gave her husband's name as David H. Elliott, of Price, Utah. Telling of her withdrawal from the church, she said she had told Bishop Jensen in the spring of 1897 that she had decided to withdraw from the church.

"I decided the church was not what I thought it was," she explained. "It was partly due to the obligations I had taken, but I also realized that I thought about it times, but it was not until about 1897 that I determined to leave the church. I did not tell anybody about the oath until last summer, when people had begun to talk to me about the matter."



This Might Bring About an Effective Snow and Ice Law.

## DISCUSS CHURCH IN PHILIPPINES

Mgr. Agius Guest at Home of Secretary Taft.

## RELATION TO GOVERNMENT

Apostolic Delegate to Sail Soon for His New Post at Manila.

Secretary Taft, at his residence, today, gave an audience to Mgr. Agius, apostolic delegate to the Philippines, who sails for Manila from San Francisco on December 28.

The purpose of the meeting was to give the former governor general of the Philippines and the new apostolic delegate a chance to become acquainted and exchange views with reference to the important question of the relations between the Catholic Church and the government in the Philippines.

Mgr. Agius is of cordial address and possesses executive ability. He has lived in Rome and this is his first office outside of the Papal See.

The meeting was arranged to take place at Secretary Taft's house so that it might be informal and the conference be uninterrupted.

Mgr. Agius leaves Washington on Monday.

## GAYNOR AND GREENE EXTRADITION CASE UP

Privy Council in London Begins Hearing of American Government's Appeal Against Canadian Courts.

LONDON, Dec. 16.—The privy council today began a hearing of the appeal of the American Government against the Canadian courts for the latter's refusal to extradite J. P. Gaynor and B. D. Greene, charged with complicity in the Savannah Harbor frauds.

Gaynor and Greene, it will be remembered, fled to Canada and their extradition could not be obtained.

Sir Edward Clarke is representing America. Sir Henry Asquith is presenting the case of the defense.

## GILLESPIE'S TRIAL BEGUN.

RISEING SUN, Ind., Dec. 16.—The second trial of James Gillespie, charged with the murder of his twin sister, Elizabeth, began yesterday. Mrs. Gillespie, their mother, eighty-one years old, told of the shooting and of finding the body on the floor.

## \$40,000 FREIGHT WRECK.

ROCHESTER, Dec. 16.—Twenty-four cars of coal behind two engines smashed into twenty-five cars of general merchandise at Red Creek, on the Rome, Watertown and Ogdensburg Railroad, yesterday. The damage is estimated at \$40,000. No one was injured.

New Overcoatings. Wineman, 914 F. Adv.—

## DIET PROTESTS AGAINST EDICTS

Rights of That Body Violated by Russia.

## THE LAWS ENCREACHED UPON

Objectable Measures Cited—Slavish Language in Government Offices. Condition Is Intolerable.

HELSINGFORS, Finland, Dec. 16.—A majority of the members of the Finnish diet have signed a petition which has been presented to the presidents of the four estates comprising it.

The petition cites the introduction of the Russian language in government offices; the law relating to public meetings, censorship, the dismissal of Finnish functionaries, the extension of the power of the public prosecutor and the authorization granted Russians to fill posts in Finland.

## A Strong Petition.

The petition asserts: "These measures have been brought into force, notwithstanding the fact they could not be legally promulgated without the co-operation of the diet."

"The new regime is impeding administrative work, causing neglect and increasing disorder in the administration itself."

"The ordinance with regard to the procedure of the senate, and the instructions to the governor general and the governors of provinces have created a condition of affairs resembling a state of siege."

The petition concludes with a proposal that the diet, as soon as possible, bring forward measures for the re-establishment of the legal administration and to restore legal order.

## RAISULI, THE BANDIT, RAIDS TWO CARAVANS

Releases Some of the Prisoners He Had Taken When He Finds He Can't Get Ransom.

## TANGIER, MOROCCO, DEC. 16.—Raisuli,

the bandit, who created an international sensation some months ago by kidnapping Ian Pendergast, a rich American, and the latter's son-in-law, is in the kidnapping business again.

He attacked a caravan five miles from Tangier, and captured eleven prisoners and twenty-five mules. The bandit then entered Tangier, where he held up a second caravan, but released his prisoners when he found he would be unable to obtain any ransom for their return.

## WHERE TO HOLD INAUGURAL BALL

House Upsets Plans of the Committee.

## FINISH THE WALL, PUT IN A FLOOR, ROOF IT OVER, AND THERE YOU ARE.

The legislative committee of the inaugural committee met at the New Willard at 10:30 this morning to discuss the question of a place where the inaugural ball may be held.

The result of the discussion was not made public. Aldis B. Browne, chairman of the committee, stated, however, he and his associates were hopeful of a happy solution of the problem that confronts them.

The resolutions of the Senate and the House regarding the use of the Pension Office for the ball, which so widely differ as to contents, will go to conference.

It is possible that the Senators will be able to win over the opposition to their way of thinking, which is that the Pension Office is the proper place to hold the ball, and that there is no objection to its being used for that purpose.

## Nowhere Else.

If the inaugural committee does not get the Pension Office, which it hopes finally to do, there seems to be no other place in Washington to hold the ball. The Capitol is out of the question, in the opinion of several of the committee members, for the reason that the ceremonies which accompany the taking of the oath by the President will keep the Capitol full of officials and visitors until 4 o'clock in the afternoon of inauguration day.

The Senate and House would be closed at night. Those going to the hall would have only the corridors on two floors to wander through. The Rotunda would be too small for the reception and ball.

## Not Adequate.

Other buildings which have been suggested in this connection, the Library of Congress, the Corcoran Art Gallery, and Convention Hall, do not come up to the requirements of the situation.

B. H. Warner, speaking of the refusal of the House to pass the bill granting the use of the Pension Building for the inaugural ball, said today:

"Of course Congress takes the responsibility of disappointing a very large number of visitors who will appear here on March 4. They will not be able to understand why the ball could not be held at the best possible place for it."

"It does seem strange that the greatest function of the Government should have no permanent proper and dignified provision made for it but be left to a committee to run around and do the best they can in the way of collecting money and arranging for a place where the people can gather and pay their respects to the President to whom the executive power is transferred."

"People who live in the States are not used to so much red tape and thin: the

## NAN PATTERSON MAY TELL STORY

Only Actual Witness of the Shooting of Caesar Young Likely to Relate to Jury What Took Place in Cab.

## COUNSEL FOR THE ACTRESS DECIDE TO PUT IN DEFENSE

Attorney Levy Offers Motion to Dismiss Case on Ground of Non-Proof—Turfman's Widow on Stand.

NEW YORK, Dec. 16.—Counsel for Nan Patterson, the "Florodora" girl, charged with shooting her lover, Caesar Young, held a long conference this morning, and it was virtually decided to put in a defense.

There were many damaging circumstances in the prosecution's chain of evidence, and it is to refute this testimony that counsel for Miss Patterson have thought it best to offer a defense.

Miss Patterson is eager to go on the stand and to tell the story of her relations with the bookmaker, and all the events that preceded the shooting. Her counsel are divided as to the advisability of permitting the actress to testify in her own behalf.

The prosecution rested its case with the calling of witnesses this morning.

When court opened shortly after 11 o'clock the trial room was crowded with people to attend the final hours of the case. Many were turned away at the doors.

Miss Patterson seemed in a high state of excitement, and talked much with her father and counsel. The ninth juror was a late arrival, and it was not until 11:10 o'clock that the trial began.

## DETAILS OF THE TRIAL.

Elizabeth Harrington, a clerk in the Imperial Hotel, was the first witness this morning. She said the defendant was a guest at the hotel for a period of ten days during last May.

"Did you ever see that woman with the defendant at the hotel?" asked the witness a photograph of Mrs. J. Morgan Smith.

"Yes," John Millin was recalled at the request of the defense.

"Mr. Millin, I understood you to say you were familiar with Young's handwriting," asked Levy.

"Yes," "I ask you if this letter is in Young's handwriting?"

"It looks like it. I believe it is. I don't think the envelope is."

## Letters Put in Evidence.

Several other letters were identified by Millin as being in Young's handwriting. They were marked for identification, and as the prosecution made no objection they were placed in evidence.

Lawyer Levy read the letters to the jury. They were replete in assurances of affection and contained various bits of racehorse gossip. These letters were sent from the Hotel Walcott, on the 23, 24 and 4th of May, last, to Mr. Randolph at 1339 Fourteenth Street, Washington, D. C.

The jury was excused until 2:30 o'clock while the counsel for the defense began a long motion to dismiss the case on the usual grounds of non-proof.

Motions were also made to exclude the testimony of James Hewitt, the newsboy, who swore that he saw Smith put Nan Patterson in a cab the night before the shooting and that he heard her say, "You must do it. You have got to do it."

## NAN PATTERSON FACES MRS. YOUNG

Without showing the slightest trace of emotion, Mrs. Margaret Young, widow of Caesar Young, again went on the stand in the criminal branch of the supreme court and gave the most damaging testimony brought out so far in the trial of Nan Patterson on a charge of having murdered Young.

Calmly, deliberately, and relentlessly the beautiful widow of the bookmaker told of the incidents preceding the death of her husband, and as if possessed of instinctive knowledge of what would harm the defendant most, related a story which gave to the case for the prosecution its first semblance of stability.

## Rests Its Case.

But with Mrs. Young's testimony the prosecution rested its case, and it was apparent to those in the court room that although Mrs. Young had succeeded in throwing suspicion on the defendant, the prosecution had failed to establish the strong case which Mr. Rand had outlined in his opening speech.

After the session Messrs. Levy, Unger, and former Assistant District Attorney O'Reilly went into conference to determine whether it was advisable for them to put in a defense.

None of the defendant's lawyers would tell what the result of the conference was, but it is believed that in view of Mrs. Young's testimony they decided it would be better for their client to present proof of her innocence. It is known that Mr. O'Reilly believes absolutely in the innocence of his client, and is anxious to clear her in such a way as not to leave even a suspicion of guilt upon her. He has gathered all the witnesses in the case, and says it will be shown that it was absolutely impossible for Miss Patterson to have had the pistol with which Young was killed.

## Rand Limited by Court.

After Mrs. Young's testimony it was realized by those who have followed the trial that if Mr. Rand had been permitted to present all the evidence in his possession he would have been able to make out a fairly strong circumstantial case against the defendant. But on ei-

most every question of the admission of evidence he was overruled by the court. The one vital point, however, which Mr. Rand has failed to establish is the possession of the pistol before the shooting. He has not been able to show that anyone else connected with the defendant bought the weapon or ever had it in his or her possession.

A large crowd tried to get into the court room because of the news that the two women who loved Caesar Young would again face each other, and that one would try to show that the other was responsible for his death.

## Dressed in Black.

Mrs. Young, when she took the stand, wore the same black dress in which she was garbed on the previous day, and again looked squarely at the defendant when testifying. Miss Patterson returned her gaze, and neither of the women could make the other drop her eyes.

Before Mrs. Young was called, the letter written to the bookmaker by Mrs. Smith, the sister of Miss Patterson, was admitted as evidence. John D. Millin, former partner of Caesar Young in his racing stable and breeding farm, told of Miss Patterson's relations with the bookmaker, but Mr. Levy on cross-examination brought out the important fact that on the afternoon before the shooting he had seen Miss Patterson and Mrs. J. Morgan Smith at the races with Young.

The most damaging testimony which Mrs. Young gave was the story that on the morning of the shooting she wanted to pay \$3 to the expressman, but that she did not have the money. Her husband was asleep, and not wishing to wake him, she went through his clothes for the money. She said she went through all the pockets, but found no pistol in them. She also said that her husband wore the suit she had searched when he left the house, and he was in the same suit when he was found dead in the cab.

## NEGROES HELD FOR CONSTABLE MURDER

John Holland and William Hopps Presented by the Grand Jury.

ELKTON, Md., Dec. 16.—John Holland and William Hopps, negroes, have been presented by the grand jury for Cecil county for the murder of Albert Constable. The presentment was made by the grand jury at a thorough investigation into the case, and the examination of about sixty witnesses.

Holland and Hopps, the former of whom resided near the scene of the murder, were arrested shortly after the crime was committed, and were placed in the county jail, where they have since been held. The case was reviewed by the grand jury at the September term, but an adjournment was made without the men being indicted.

It is presumed that the State has come into possession of some very important additional evidence.

Mr. Constable was shot down on Gray's Hill, on the eastern suburb of Elkton, almost within sight of his home, on the evening of August 15 last. It is recalled that Constable was the more for the murder, as his wife was watching and some small change were taken.

Holland, who resided at the time of the murder near where Mr. Constable was found, stated that a man stopped at his gate shortly after the shooting and asked him to go down the road to look after a sick man who was lying in the road. Holland said the man who stopped at his gate was a white man and gave a minute description of the clothing he wore.

The trial of Holland and Hopps will likely take place in Cecil county, but will not be called until after the holidays.

## \$1.25—To Baltimore and Return—\$1.25

Pennsylvania Railroad, Saturday and Sunday; tickets \$1.25 on all trains except Congressional Limited, and good for return until Sunday night—Adv.

(Continued on Sixth Page.)